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PTO/SB/21 (04-04)

**TRANSMITTAL  
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(to be used for all correspondence after initial filing)

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/769,532         |
| Filing Date            | January 30, 2004   |
| First Named Inventor   | Whirley, Robert G. |
| Art Unit               | 3738               |
| Examiner Name          | Unassigned         |
| Attorney Docket Number | 021630-004500US    |

Total Number of Pages in This Submission

19

**ENCLOSURES (Check all that apply)**

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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |                                    |                 |
|-------------------------|------------------------------------|-----------------|
| Firm or Individual name | Townsend and Townsend and Crew LLP | Reg. No. 47,400 |
| Signature               |                                    |                 |
| Date                    | September 3, 2004                  |                 |

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PATENT  
Attorney Docket No.: 021630-004500US

On 9-3-04

TOWNSEND and TOWNSEND and CREW LLP

By: London Clark

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Robert G. Whirley, et al.

Application No.: 10/769,532

Filed: January 30, 2004

For: INFLATABLE POROUS  
IMPLANTS AND METHODS FOR  
DRUG DELIVERY

Examiner: Unassigned

Art Unit: 3738

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A-B are being called to the attention of the Examiner. Copies of references 0398-0503 are enclosed. In accordance with the USPTO waiver of the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. patent applications filed after June 30, 2003, applicant has not submitted copies of references 0001-0397. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

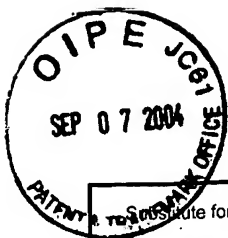
Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Nena Bains  
Reg. No. 47,400

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|---|---|----|--------------------------|------------------------|-----------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   |    | <b>Complete if Known</b> |                        |                 |
|   |   |    | Application Number       | 10/769,532             |                 |
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|   |   |    | Art Unit                 | 3738                   |                 |
|   |   |    | Examiner Name            | Unassigned             |                 |
| Sheet   | 1 | of | 16                       | Attorney Docket Number | 021630-004500US |

| U.S. PATENT DOCUMENTS+ |                          |  |                                |  |   |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials*  | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                        |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        | 0001                     | US-3,540,431                             | 11-17-1970                     | K. Uddin   |   |
|                        | 0002                     | US-3,631,854                             | 01-04-1972                     | R. Fryer   |   |
|                        | 0003                     | US-3,818,511                             | 06-25-1974                     | Goldberg et al.                                    |   |
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|                        | 0036                     | US-5,151,105                             | 09-29-1992                     | Kwan-Gett  |   |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|   |   |    |                          |                        |                 |
|---|---|----|--------------------------|------------------------|-----------------|
| Substitute for form 1449B/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   |    | <b>Complete if Known</b> |                        |                 |
|   |   |    | Application Number       | 10/769,532             |                 |
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|   |   |    | First Named Inventor     | Whirley, Robert G.     |                 |
|   |   |    | Art Unit                 | 3738                   |                 |
|   |   |    | Examiner Name            | Unassigned             |                 |
| Sheet   | 2 | of | 16                       | Attorney Docket Number | 021630-004500US |

| U.S. PATENT DOCUMENTS+ |                          |  |                                |  |   |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials*  | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                        |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
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| U.S. PATENT DOCUMENTS+ |                          |  |                                |  |   |
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|                        | 0073                     | US-5,562,726                             | 10-08-1996                     | Chuter   |   |
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|                        | 0085                     | US-5,609,628                             | 03-11-1997                     | Keranen  |   |
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|                        | 0087                     | US-5,628,783                             | 05-13-1997                     | Quiachon et al.                                    |   |
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|                        | 0089                     | US-5,628,788                             | 05-13-1997                     | Pinchuk  |   |
|                        | 0090                     | US-5,632,772                             | 05-27-1997                     | R. Alcime, et al.                                  |   |
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|                        | 0092                     | US-5,653,746                             | 08-05-1997                     | Schmitt  |   |
|                        | 0093                     | US-5,662,700                             | 09-02-1997                     | Lazarus  |   |
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|                        | 0099                     | US-5,676,696                             | 10-14-1997                     | Marcade  |   |
|                        | 0100                     | US-5,676,697                             | 10-14-1997                     | McDonald   |   |
|                        | 0101                     | US-5,683,449                             | 11-04-1997                     | Marcade  |   |
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|                        | 0103                     | US-5,683,453                             | 11-04-1997                     | Palmaz   |   |
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| U.S. PATENT DOCUMENTS+ |                          |  |                                |  |   |
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|                        |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
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|                        | 0116                     | US-5,720,776                             | 02-24-1998                     | Chuter et al.                                      |   |
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|                        | 0118                     | US-5,733,325                             | 03-31-1998                     | Robinson et al.                                    |   |
|                        | 0119                     | US-5,735,892                             | 04-07-1998                     | D. Myers, et al.                                   |   |
|                        | 0120                     | US-5,747,128                             | 05-05-1998                     | Campbell et al.                                    |   |
|                        | 0121                     | US-5,749,880                             | 05-12-1998                     | Banas et al.                                       |   |
|                        | 0122                     | US-5,749,920                             | 05-12-1998                     | D. Quiachon, et al.                                |   |
|                        | 0123                     | US-5,769,887                             | 06-23-1998                     | Brown et al.                                       |   |
|                        | 0124                     | US-5,785,679                             | 07-28-1998                     | Abolfathi et al.                                   |   |
|                        | 0125                     | US-5,788,626                             | 08-04-1998                     | Thompson   |   |
|                        | 0126                     | US-5,789,047                             | 08-04-1998                     | F. Sasaki, et al.                                  |   |
|                        | 0127                     | US-5,800,512                             | 09-01-1998                     | Lentz et al.                                       |   |
|                        | 0128                     | US-5,800,518                             | 09-01-1998                     | Piplani et al.                                     |   |
|                        | 0129                     | US-5,824,039                             | 10-20-1998                     | A. Piplani, et al.                                 |   |
|                        | 0130                     | US-5,824,044                             | 10-20-1998                     | D. Quiachon, et al.                                |   |
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Sheet **9** of **16****Complete if Known**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/769,532         |
| Filing Date            | January 30, 2004   |
| First Named Inventor   | Whirley, Robert G. |
| Art Unit               | 3738               |
| Examiner Name          | Unassigned         |
| Attorney Docket Number | 021630-004500US    |

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|                          | 0434                     | WO                        | 97/37616            |                                   | 04-02-1998                     | Scimed Life Systems, Inc.                             |  |                |
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|                          | 0436                     | WO                        | 98/06355            |                                   | 07-16-1998                     | Teramed Incorporated                                  |  |                |
|                          | 0437                     | WO                        | 98/10806            |                                   | 08-06-1998                     | Impra, Inc.   |  |                |
|                          | 0438                     | WO                        | 98/12989            |                                   | 08-27-1998                     | Endologix, Inc.                                       |  |                |
|                          | 0439                     | WO                        | 98/27894            |                                   | 09-11-1998                     | Scimed Life Systems, Inc.                             |  |                |
|                          | 0440                     | WO                        | 98/30156            |                                   | 09-24-1998                     | H. Spoelstra  |  |                |
|                          | 0441                     | WO                        | 98/33453            |                                   | 10-15-1998                     | William Cook, Europe A/S                              |  |                |
|                          | 0442                     | WO                        | 98/36708            |                                   | 10-15-1998                     | William Cook, Europe A/S                              |  |                |
|                          | 0443                     | WO                        | 98/38947            |                                   | 12-10-1998                     | S. Samuels  |  |                |
|                          | 0444                     | WO                        | 98/41167            |                                   | 01-07-1999                     | Anson Medical Limited                                 |  |                |
|                          | 0445                     | WO                        | 98/44870            |                                   | 03-11-1999                     | C.R. Bard, Inc.                                       |  |                |
|                          | 0446                     | WO                        | 98/44873            |                                   | 07-01-1999                     | Impra, Inc.   |  |                |
|                          | 0447                     | WO                        | 98/55047            |                                   | 08-05-1999                     | Impra, Inc.   |  |                |
|                          | 0448                     | WO                        | 99/00073            |                                   | 08-12-1999                     | Triad Vascular Systems, Inc.                          |  |                |
|                          | 0449                     | WO                        | 99/11199            |                                   | 08-12-1999                     | Envatech Corporation                                  |  |                |
|                          | 0450                     | WO                        | 99/32051            |                                   | 09-23-1999                     | Teramed Incorporated                                  |  |                |
|                          | 0451                     | WO                        | 99/38455            |                                   | 12-23-1999                     | Endologix, Inc.                                       |  |                |
|                          | 0452                     | WO                        | 99/39662            |                                   | 03-02-2000                     | Boston Scientific Corp.                               |  |                |
|                          | 0453                     | WO                        | 99/39663            |                                   | 06-15-2000                     | Endologix, Inc.                                       |  |                |
|                          | 0454                     | WO                        | 99/47078            |                                   | 07-20-2000                     | Gore Enterprise Holdings                              |  |                |
|                          | 0455                     | WO                        | 99/65419            |                                   | 07-27-2000                     | Gore Enterprise Holdings                              |  |                |
|                          | 0456                     | WO                        | 00/10487            |                                   | 08-10-2000                     | Impra, Inc.   |  |                |
|                          | 0457                     | WO                        | 00/33769            |                                   | 09-08-2000                     | C. Murch  |  |                |
|                          | 0458                     | WO                        | 00/42947            |                                   | 09-14-2000                     | Endologix, Inc.                                       |  |                |
|                          | 0459                     | WO                        | 00/42948            |                                   | 01-11-2001                     | Scimed Life Systems, Inc.                             |  |                |
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|  |                 |    |    | Filing Date              | January 30, 2004   |  |
|  |                 |    |    | First Named Inventor     | Whirley, Robert G. |  |
|  |                 |    |    | Art Unit                 | 3738               |  |
|  |                 |    |    | Examiner Name            | Unassigned         |  |
| Attorney Docket Number   | 021630-004500US |    |    |                          |                    |  |
| Sheet  | 14              | of | 16 |                          |                    |  |

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| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   |                     |                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>2</sup> |
|                          |                       | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |                                |  |  |                |
|                          | 0461                  | WO                        | 00/45741            |                                   | 01-11-2001                     | Scimed Life Systems, Inc.                          |  |                |
|                          | 0462                  | WO                        | 00/51522            |                                   | 03-08-2001                     | Scimed Life Systems, Inc.                          |  |                |
|                          | 0463                  | WO                        | 00/53251            |                                   | 03-29-2001                     | Edwards Lifesciences Corporation                   |  |                |
|                          | 0464                  | WO                        | 01/01886            | A1                                | 03-29-2001                     | Impra, Inc.  |  |                |
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|                          | 0468                  | WO                        | 01/21107            |                                   | 06-07-2001                     | Teramed Incorporated                               |  |                |
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|                          | 0471                  | WO                        | 01/30270            | A2                                | 09-13-2001                     | Diseno y Desarrollo Medico, S.A. DE C.V.           |  |                |
|                          | 0472                  | WO                        | 01/39700            | A1                                | 09-13-2001                     | Cook Incorporated                                  |  |                |
|                          | 0473                  | WO                        | 01/52771            | A1                                | 09-20-2001                     | Cook Incorporated                                  |  |                |
|                          | 0474                  | WO                        | 01/52914            | A1                                | 07-26-2001                     | Impra Inc. A Subsidiary of C R                     |  |                |
|                          | 0475                  | WO                        | 01/66037            | A2                                | 12-19-2002                     | Scimed Life Systems, Inc.                          |  |                |
|                          | 0476                  | WO                        | 01/66038            | A2                                | 01-16-2003                     | Scimed Life Systems, Inc.                          |  |                |
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|                          | 0478                  | WO                        | 01/74270            | A2                                | 11-20-2003                     | Cordis Corporation                                 |  |                |
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|                          | 0480                  | WO                        | 02/100454           | A1                                | 11-20-2003                     | Cordis Corporation                                 |  |                |
|                          | 0481                  | WO                        | 03/003946           | A1                                | 11-20-2003                     | Cordis Corporation                                 |  |                |
|                          | 0482                  | WO                        | 03/026713           | A1                                | 04-03-2003                     | Scimed Life Systems Inc.                           |  |                |
|                          | 0483                  | WO                        | 03/043539           | A1                                | 10-09-2003                     | Scimed Life Systems Inc.                           |  |                |
|                          | 0484                  | WO                        | 03/053495           | A2                                | 07-03-2003                     | TriVascular Inc.                                   |  |                |
|                          | 0485                  | WO                        | 03/082360           | A1                                | 05-30-2003                     | Scimed Life Systems Inc.                           |  |                |
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|                          | 0488                  | WO                        | 03/094799           | A1                                | 02-09-1995                     | G. Skalkas   |  |                |

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|  |    |    | Filing Date              | January 30, 2004       |                 |
|  |    |    | First Named Inventor     | Whirley, Robert G.     |                 |
|  |    |    | Art Unit                 | 3738                   |                 |
|  |    |    | Examiner Name            | Unassigned             |                 |
| Sheet  | 15 | of | 16                       | Attorney Docket Number | 021630-004500US |

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|                          |                          | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |                                |   |  |                |
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| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
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| Examiner<br>Initials *          | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                     | T <sup>2</sup> |
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|   |            |    |    | Art Unit                 | 3738               |
| Examiner Name   | Unassigned |    |    |                          |                    |
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|                                 | 0503                     | United States Non-Provisional Patent Application Number 10/691,849; filed on October 22, 2003   |                |
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